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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Budget for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2006-2007

Report of the Secretary-General

Summary

In accordance with General Assembly resolutions 58/255 of 23 December 2003 and 59/274 of 23 December 2004, the present report contains the resource requirements for the biennium 2006-2007 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The resources for the biennium 2006-2007 before recosting amount to $310,884,100 gross ($280,782,700 net) and reflect a decrease in real terms of $17,597,600 net, or 5.9 per cent, compared to the revised appropriation for 2004-2005.

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I. Introduction

1. The terms of reference of the International Tribunal for the Former Yugoslavia were established by the Security Council in its resolution 808 (1993) of 22 February 1993. The statute of the Tribunal, adopted by the Security Council in its resolution 827 (1993) of 23 May 1993, provides in article 11 that the Tribunal shall consist of three organs, namely, the Chambers, the Prosecutor and the Registry. The activities for which the Tribunal is responsible are also set out in the statute.

2. The Security Council, in its resolution 1329 (2000), expressed its continuing conviction that the prosecution of persons responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia contributed to the restoration and maintenance of peace in the former Yugoslavia.

3. The report on the judicial status of the Tribunal and the prospects for referring certain cases to national courts (S/2002/678) was endorsed on 23 July 2002 by a statement of the President of the Security Council on behalf of the Council (S/PRST/2002/21). The report presented the completion strategy of the Tribunal, setting 31 December 2004 for the conclusion of all new investigations, 31 December 2008 for the completion of first instance trials and 31 December 2010 for the completion of appeals. The first major milestone has been met with the investigation of all remaining targets having being completed and the last new indictments have been confirmed by the Chambers.

4. On 28 August 2003, the Security Council adopted resolution 1503 (2003), which reaffirmed "in the strongest terms" the statement of 23 July 2002 endorsing the Tribunal's completion strategy. The Council again emphasized the importance of fully implementing the completion strategy in its resolution 1534 (2004) of 26 March 2004.

5. The completion strategy comprises two main pillars: (a) the fair and expeditious completion of trials at the Tribunal in accordance with the established timeline; and (b) the transfer of certain cases against accused persons, indicted under the authority of the Tribunal, to competent national jurisdictions in the former Yugoslavia.

6. In support of the first pillar, the Tribunal continues to undertake six concurrent trials through the use of 16 permanent and 9 ad litem judges and to complete all related appeals in the most expeditious manner. Trial efficiency has become paramount now that the Tribunal has issued its last indictment and moved to a phase focusing exclusively on trials and appeals.

7. To further ensure the completion of first instance trials by 2008, the Office of the Prosecutor will seek to join related indictments and run trials with multiple accused, subject to approval by the Chambers. The aim of joining these cases is to substantially reduce the length of proceedings by, inter alia, reducing the length of the prosecution case, reducing the number of witnesses, avoiding the repetition of evidence, avoiding the overlap of witness testimony and reducing the expense of having witnesses travel repeatedly to The Hague to give testimony. While in the long run the joining of cases will undoubtedly be more efficient and cost-effective, it will at the same time increase the complexity of work, as cases with several accused being tried simultaneously are expected to generate far more motions and interlocutory appeals than those involving a single accused.

8. The need for efficient proceedings has been further amplified by the rapid succession of recent arrivals of persons indicted by the Tribunal: since 1 December 2004, 26 indictees have arrived at the Tribunal. While the Tribunal welcomes the cooperation it has received from the States of the former Yugoslavia in apprehending these indictees, this sudden influx strains the resources of the Tribunal, which prior to December 2004 had already been working at maximum capacity. It is important to note that there are still 10 fugitives at large, including Mladic, Karadzic and Gotovina, whose timely surrender/detention is critical for the efficient completion of the trials.

9. Through its Rules Committee, plenary sessions and working groups on speeding up trials and appeals, the Chambers continues to investigate additional ways to reduce the length of proceedings, both by continued review and amendments to the Rules of Procedure and Evidence, as well as by continued implementation of the recommendations of the two judicial working groups established by the President. A good example of these efforts is the recent amendment to rule 98 bis, which is expected to reduce significantly the amount of time required for the trial chamber to deliver decisions concerning judgement of acquittal motions at the close of the prosecution's case. The Working Group on Trials is placing special emphasis on the efficiency of the pretrial phase, as this can have a significant impact on the subsequent proceedings.

10. The Tribunal will be implementing a number of concrete measures aimed at reducing the length of trials and improving efficiency, such as the Defence Counsel Network, which allows more effective distribution of case-related documents, and the development of e-Court, which was initiated as a pilot scheme in 2004 to optimize the courtroom proceedings and is now being applied in trials. This is in addition to the other efficiency measures implemented in 2004-2005, namely, the establishment of the Office of Document Management, which has saved the Tribunal valuable translation resources; the pretrial and trial lump-sum defence payment system, which compels defence teams to prepare their strategies in advance of trial; and the Electronic Disclosure System, which has reduced the time required by the Office of the Prosecutor to meet its disclosure obligations to the defence and has allowed the defence to conduct its own searches, thus enhancing equality of arms and yielding savings. Furthermore, the Tribunal will put its judicial database online so that defence counsel, courts within the former Yugoslavia and other interested parties can access and search the public jurisprudence of the Tribunal remotely, thus saving travel and reproduction costs.

11. In support of the second pillar, the Tribunal will continue to play an active role, despite its stretched resources, in facilitating the referral of cases to national courts. In particular, the Tribunal, along with the Office of the High Representative in Bosnia and Herzegovina, has played a significant role in forming the War Crimes Chamber within the State Court of Bosnia and Herzegovina. It was inaugurated in March 2005. Croatia and Serbia and Montenegro have also established special courts focusing on war crimes. At present, a referral bench, which was established by the President in September 2004, is considering 12 referrals to national jurisdictions involving 20 accused under rule 11 bis. Bosnia and Herzegovina, Croatia and Serbia and Montenegro have all been named by the Prosecutor in those requests as possible recipients of the referred cases. On 17 May 2005, the Tribunal issued its first decision on a prosecutor's motion to refer a case to the domestic authorities of a State. This decision involved the referral of the case against

Radovan Stankovic to the War Crimes Chamber of the State Court of Bosnia and Herzegovina, which is currently under appeal.

12. Within the Office of the Prosecutor, the transition team continues to oversee: (a) the preparation of the transfer of cases from the Tribunal to competent national jurisdictions in support of the completion strategy and (b) the preparation of dossiers for all other lower-level perpetrators of war crimes identified during investigations of the Office, with a view to transferring them to the appropriate prosecuting authorities in the countries of the former Yugoslavia. Another important achievement was the completion in 2004 of the "rules of the road" project, which was funded from extrabudgetary resources and provided for the review by the Office of cases from prosecutors in the region to ensure that they met international standards.

13. The Tribunal is working to establish procedures to ensure that the practicalities of referring a case to another jurisdiction are handled effectively. A Tribunal-wide transition coordination committee has been established to ensure the smooth and seamless transfer of cases and prepare for the activities associated with such transfers, including defence counsel transitions, transfer of accused and witness protection matters.

14. With the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone also preparing to complete their respective mandates, the Tribunal has worked with its counterparts over the course of the biennium 2004-2005 to discuss common issues arising from their completion strategies. The cooperation of these three institutions will result in a best practices manual encompassing the most effective and efficient practices of those international war crimes courts.

15. The overall level of resources for the biennium 2006-2007 amounts to $310,884,100 gross ($280,782,700 net; at 2004-2005 rates (i.e., before recosting to 2006-2007 rates)), reflecting a real decrease in resources of $18,617,800 gross, or 5.7 per cent ($17,597,600 net, or 5.9 per cent), compared with the revised appropriation for the biennium 2004-2005. The decrease consists of reductions under the Chambers ($72,900), the Office of the Prosecutor ($12,968,900) and the Registry ($5,576,000).

16. The total number of proposed posts of 990 for the biennium 2006-2007 will remain unchanged vis-à-vis 2005 levels. However, as the Tribunal's focus shifts towards high-level perpetrators, multiple-accused cases and more complex appeals, a number of internal redeployments are being proposed to strengthen trial and appellate support work in both the Office of the Prosecutor and the Chambers, as described below.

17. With the progress made in transferring cases/dossiers to local authorities and reaching trial readiness in a number of important cases at the pretrial stage, as well as the expected completion of the Milosevic and other major trials, the Tribunal anticipates a gradual reduction of workload in the Investigations Division and the Information and Evidence Section of the Office of the Prosecutor during 2006-2007. By contrast, trial and appeals work in both the Office of the Prosecutor and the Chambers is expected to increase considerably in the next biennium, in terms of both volume and complexity, owing to the following factors: (a) an increase in the rate of arrests and the pace of trials; (b) an increase in the number of cases against high-level accused; (c) an increase in the number of accused in trial resulting from

the multiple-accused cases; and (d) an increase in the number and complexity of appeals both interlocutory and on the merits. In addition, the workload of the Chambers will be affected by the establishment of a "referral bench" to deal with the transfer of cases to the region.

18. In view of the above considerations, 20 internal redeployments are being proposed for 2006-2007 to strengthen trial and appellate support work in both the Office of the Prosecutor and the Chambers, as follows:

(a) The Appeals Unit of the Immediate Office of the Prosecutor would be strengthened with the addition of a total of seven Professional posts. Four posts (2 P-4 and 2 P-3) would be redeployed from the Investigations Division and three posts (2 P-3 and 1 P-2) from the Information and Evidence Section;

(b) The Prosecution Division would be strengthened by redeploying eight Professional posts (5 P-3 and 3 P-2) from the Investigations Division;

(c) The Chambers Legal Support Section of the Judicial Support Division would be supplemented with five Professional posts (2 P-4, 1 P-3 and 2 P-2) through redeployment from the Division of Administration.

19. Furthermore, pursuant to recommendations of the Office of Internal Oversight Services, all functions related to electronic data-processing performed by the Systems Support Unit of the Office of the Prosecutor Information and Evidence Section, along with its existing posts, will be consolidated within the Registry's Information Technology Services Section. Accordingly, 11 posts (1 P-3, 1 P-2 and 9 General Service (Other level)) are being proposed for redeployment to the Information Technology Services Section of the Division of Administration effective 1 January 2006.

20. Changes in overall non-post provisions reflect reduced requirements, mainly under mission subsistence allowance, general temporary assistance, temporary assistance for meetings, travel of staff, defence counsel fees, contractual verbatim reporting, supplies, furniture and equipment and alteration to premises, partly offset by increased requirements under salaries and allowances to judges owing to an increase of 6.3 per cent effective 1 January 2005; expert witnesses owing to an increase in the number of experts expected to testify before the Tribunal; and grants and contributions for the Tribunal's share of field security arrangements.

21. The recosting of the proposed budgetary provisions at 2006-2007 rates contained in the present report is preliminary. For salaries related to posts in the Professional and higher categories, adjustments reflect the projected movement of post adjustment indices in 2005. Similarly, with regard to General Service salaries, recosting includes the forecast of probable cost-of-living adjustments based on anticipated inflation rates. The average vacancy rates for Professional and General Service posts realized in 2004 are proposed for 2006-2007. No attempt is made to forecast the movement of the relevant currency vis-à-vis the United States dollar at this time. The proposed budget will be recosted in December 2005 on the basis of the latest data on actual inflation experience, the movement of post adjustment indices in 2005, the outcome of salary surveys, if any, salary expenditure experience and the evolution of operational rates of exchange in 2005.

22. During the biennium, extrabudgetary resources are estimated at $4,585,600, reflecting a net decrease of approximately $1.5 million, to be utilized for a variety of activities of the Tribunal. The decrease results from the completion of ongoing projects for which full funding has been received.

Table 1
Percentage distribution of resources by component

	Regular budget	*Extrabudgetary*
1. The Chambers	3.0	
2. Office of the Prosecutor	26.7	7.5
3. The Registry	70.3	92.5
Total	**100.0**	**100.0**

Table 2
Resource requirements by component
(Thousands of United States dollars)

(1) *Assessed budget*

Component	*2002-2003 expenditure*	*2004-2005 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2006-2007 estimate*
			Amount	*Percentage*			
1. The Chambers	8 808.6	9 522.9	(72.9)	(0.8)	9 450.0	49.6	9 499.6
2. Office of the Prosecutor	95 115.3	96 188.2	(12 968.9)	(13.5)	83 219.3	2 509.0	85 728.3
3. The Registry	180 389.9	223 790.8	(5 576.0)	(2.5)	218 214.8	7 400.2	225 615.0
Total expenditures (gross)	**284 313.8**	**329 501.9**	**(18 617.8)**	**(5.7)**	**310 884.1**	**9 958.8**	**320 842.9**
Income							
Income from staff assessment	33 447.9	30 880.9	(1 029.0)	(3.3)	29 851.9	1 065.7	30 917.6
Other income	200.4	240.7	8.8	3.7	249.5		249.5
Total requirements (net)	**250 665.5**	**298 380.3**	**(17 597.6)**	**(5.9)**	**280 782.7**	**8 893.1**	**289 675.8**

(2) *Extrabudgetary*

	2002-2003 expenditure	*2004-2005 estimate*	*2006-2007 estimate*
Activities	12 580.4	6 030.4	4 585.6
Total	**12 580.4**	**6 030.4**	**4 585.6**
Total (1) and (2)	**263 245.9**	**304 410.7**	**294 261.4**

Table 3
Post requirements

Category	Assessed budget		Extrabudgetary		Total	
	2004-2005	2006-2007	2004-2005	2006-2007	2004-2005	2006-2007
Professional and above						
USG	1	1	—	—	1	1
ASG	1	1	—	—	1	1
D-2	1	1	—	—	1	1
D-1	4	4	—	—	4	4
P-5	35	35	—	—	35	35
P-4/3	295	295	1	1	296	296
P-2/1	117	117	1	1	118	118
Subtotal	**454**	**454**	**2**	**2**	**456**	**456**
General Service						
Principal level	11	11	—	—	11	11
Other level	370	370	10	4	380	374
Subtotal	**381**	**381**	**10**	**4**	**391**	**385**
Other						
Security Service	155	155	—	—	155	155
Total	**990**	**990**	**12**	**6**	**1 002**	**996**

II. Programme of work and resource requirements

A. The Chambers

23. The Chambers comprises the 25 judges of the Tribunal. It is the judicial organ of the Tribunal performing its core activity: the determination of the guilt or innocence of persons accused of serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. Through its judicial activities, the Chambers will continue to ensure that all accused persons receive a fair trial without undue delay.

24. The main objective of the Chambers for the biennium 2006-2007 will be to continue to undertake six trials at a time through the use of 16 permanent and 9 ad litem judges and to complete all interlocutory appeals and appeals from judgement as expeditiously as possible. This has become even more essential because of the recent increase in new arrivals at the Detention Unit. Since 1 December 2004, the total number of indictees detained in the Detention Unit or on provisional release has risen from 52 to 78. Each new arrival generates an increase in workload through initial appearances, motions (e.g., for provisional release or concerning the form of the indictment), status conferences and regular pretrial preparation pursuant to rule 65 ter of the Rules of Procedure and Evidence. The Chambers will continue to have all of its capacity fully utilized during the biennium.

25. During the period spanning 2004 to the first half of 2005, the Tribunal had six trials running involving 13 accused. The verdict in three trials was delivered during that period. In addition, six guilty pleas were rendered. During the same period, the Tribunal also saw 17 post-judgement cases on appeal involving 21 convicted persons. Final judgement on appeal was rendered in eight cases. For the remainder of 2005, taking into consideration the likelihood that a number of cases will be joined, it is anticipated that as many as four additional trials will commence involving at least 20 accused. Pretrial activity (excluding the four additional trials anticipated to start in the second half of 2005) will include at least six cases involving 16 accused. Case referral activity under rule 11 bis includes at least nine referrals involving 18 accused. Any rule 11 bis case that is eventually not referred will be added to the pretrial caseload.

26. During the biennium 2006-2007, it is expected that the Chambers will work on the following: 9 trials (6 running at any one time), 10 pretrial procedures, 40 pre-appeal procedures, 40 appeals from final trial chamber judgements or from 11 bis referral decisions (25 from the International Tribunal for the Former Yugoslavia and 15 from the International Criminal Tribunal for Rwanda; appeals chamber judges and staff work on appeals for both Tribunals) and all interlocutory appeals arising from the foregoing. The referral bench of the Chambers will continue to consider applications by the Prosecutor to transfer cases to domestic courts in the former Yugoslavia, a key component of the Prosecutor's approach to a timely completion of her duties. It is important to note that, even if successful, such transfers will still require significant work from the Chambers judges and staff to ensure a smooth transition. In addition, even in the event that all or a majority of the applications are successful, they still represent only a limited number of the cases (12) and accused (20) before the Tribunal. Regardless of the outcome of the decisions, it is expected that most of them will be appealed.

27. Furthermore, the Chambers awaits the commencement during the biennium 2006-2007 of four complex cases involving up to nine accused each. These multiple-accused cases result from the Prosecutor's policy of joining related indictments whenever possible and running trials with four or more accused. In the immediate term, such cases will be extremely demanding on the resources of the Chambers. The unprecedented number of accused being dealt with at the pretrial phase will put excessive strain on existing pretrial capacity. Also, cases with several accused being tried simultaneously generate far more motions and interlocutory appeals than cases involving a single accused. Both of these factors will necessitate resource reallocation at a time when the Chambers is already working at maximum capacity and will negatively affect the ability of the Chambers to discharge its current workload efficiently. However, the multiple-accused approach is considered necessary as, in the longer term, it should reduce overall trial time substantially in comparison with holding separate trials for each of the accused. It is notable, for example, that while on average 8 accused were on trial at any one time during 2004-2005, an average of 24 accused are expected to be on trial at any one time during 2006-2007.

28. To allow for a high level of courtroom activity, the Chambers has already maximized the use of available resources through the operation of the three courtrooms over two shifts daily, exceeding normal working hours.

29. Through its Judicial Practices Working Group, Rules Committee and plenary sessions, the Chambers will investigate additional ways to reduce the length of proceedings, both by continuing to review the Rules of Procedure and Evidence and by implementing the recommendations of two working groups of judges established by the President to consider ways of speeding up trials and appeals. A good example of these efforts is the recent amendment to rule 98 bis, which is expected to reduce significantly the amount of time required for the trial chamber to deliver decisions concerning judgement of acquittal motions. That rule provides that at the close of the Prosecutor's case, the trial chamber shall, after hearing submissions of the parties, enter a judgement of acquittal on any count if there is no evidence capable of supporting a conviction. In the past, this procedure had resulted in written submissions, hearings and a written decision, sometimes requiring two or three months before the Chamber was in a position to render its decision. The rule has now been changed to require that both parties' submissions and the trial chamber's decision be delivered orally. It is expected that this rule change will result in a considerable saving of time. The Working Group will continue to place special emphasis on the pretrial phase of the proceedings, as this can have a significant impact upon the trial proceedings.

30. The numerous reforms undertaken over the previous two years, including the conduct of pretrial procedures by the senior legal officers of the Chambers, the additional powers conferred on judges to control proceedings and the requirement of certification of interlocutory appeals, will continue to improve the pace of judicial activity.

31. Finally, the workload of the Chambers may benefit from the referral of an undetermined number of cases to competent national jurisdictions in the former Yugoslavia pursuant to rule 11 bis of the Rules of Procedure and Evidence.

32. The Office of the President provides advice and assistance as well as logistical and secretarial support to the President of the Tribunal in the exercise of his or her functions. The President is the highest authority of the Tribunal, acting as its institutional head. He or she is responsible for the overall execution of the mission of the Tribunal and for representing the Tribunal before its parent body, the Security Council, as well as the General Assembly. The President performs representational functions vis-à-vis heads of missions, embassies of Member States and the Secretary-General.

33. Pursuant to rule 19 of the Rules of Procedure and Evidence, the President of the Tribunal also coordinates the work of the Chambers, supervises the activities of the Registry and exercises all other functions conferred on him or her by the statute and the Rules. These functions can be divided into the following three categories:

(a) Judicial functions: pursuant to article 14(2) of the International Tribunal for the Former Yugoslavia statute and article 12(2) of the statute of the International Criminal Tribunal for Rwanda, the President of the Tribunal is the presiding judge of the appeals chambers of both Tribunals. The President is the sole authority responsible for assessing reports that a State has failed to comply with an obligation under the statute and, depending on the circumstances of the case, for notifying the Security Council thereof;

(b) Internal functions: pursuant to rule 23 bis of the Rules, the President of the Tribunal is the Chair of the Coordination Council responsible for ensuring the coordination of the activities of the three organs of the Tribunal;

(c) Quasi-judicial functions: pursuant to rule 23, the President is the Chair of the Bureau and is responsible for reviewing all major matters arising from the functioning of the Tribunal. The President also chairs, pursuant to rule 19(A), the plenary meetings of the Tribunal during which the judges adopt and amend the Rules, decide upon matters relating to the internal functioning of the Chambers and the Tribunal and determine or supervise the conditions of detention.

34. Pursuant to the statute, the Rules and various directives, the President of the Tribunal is entrusted with the right of final review pertaining to matters such as the enforcement of sentences, legal aid/defence counsel issues and the application of such directives as the Rules of Detention and the Directive on the Assignment of Defence Counsel. In accordance with article 13 ter of the statute, the President is also responsible for requesting the Secretary-General to appoint ad litem judges to the trial Chambers.

35. For the next biennium, a matter of primary importance for the Office of the President will be to continue to carry forward the completion strategy initiated by the Tribunal and endorsed by the Security Council in the presidential statement dated 23 July 2002 (S/PRST/2002/21). Coordination must be maintained, with States and international organizations contributing, as appropriate, to the strengthening of national judicial systems of the States of the former Yugoslavia in order to facilitate the implementation of this policy.

Outputs

36. During the biennium, the following outputs will be delivered:

(a) Courtroom activities: initial appearances, status conferences, pretrial conferences, trials, appeals, reviews and delivery of judgements;

(b) Decisions relating to, inter alia: review and confirmation of indictments, arrest and other warrants, various pretrial motions, motions during trial and appeal, applications for additional evidence and interlocutory appeals and reviews;

(c) Judgements in relation to trials and appeals (appeal activities are for both Tribunals);

(d) Review of the Rules of Procedure and Evidence, Practice Directions and the Rules of Detention and proposal of amendments to the statute of the Tribunal to the Security Council;

(e) Reports of the President to the Security Council, as requested by a trial chamber or the Prosecutor, as to non-compliance by States with orders of the Tribunal;

(f) Annual report to the General Assembly and the Security Council and requests for international assistance to States;

(g) Press releases on matters of importance to the Tribunal as a whole;

(h) Special events: hosting of visiting dignitaries, usually at the level of ambassador or foreign minister, and Heads of State; establishing and maintaining

high-level contacts with Governments of Member States to facilitate and improve cooperation with the Tribunal; and swearing in of new judges;

(i) Non-governmental organizations: requesting non-governmental organizations and others to submit amicus curiae briefs on issues of general importance under consideration by the Chambers;

(j) Participation in activities within the United Nations system: annual statement by the President to the General Assembly, participation in meetings concerning the role of the Tribunal within the United Nations system, cooperation with the International Criminal Tribunal for Rwanda and participation in discussions concerning other international judicial entities;

(k) Liaison with the Office of the High Representative and the State Prosecutor of Bosnia and Herzegovina in relation to the referral of cases.

Table 4
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2004-2005*	*2006-2007 (before recosting)*	*2004-2005*	*2006-2007*
Assessed budget				
Non-post	9 522.9	9 450.0	—	—
Total	**9 522.9**	**9 450.0**	—	—

37. Non-post resources in the amount of $9,450,000, reflecting a decrease of 72,900, will provide compensation for 23 judges, the hiring of consultants and travel resources for the judges. The reduction relates to lower requirements for the common costs of judges, consultants and travel, partially offset by the increase in the annual salaries and pensions of judges approved by the General Assembly in its resolution 59/282 of 13 April 2005, with effect from 1 January 2005.

38. The cost of the remaining two judges is included in the budget for the International Criminal Tribunal for Rwanda (A/60/265).

B. Office of the Prosecutor

39. The biennium 2004-2005 has been a period of increased activity for the Office of the Prosecutor, marked by an increase in efficiency and attainment of the first major step of the completion strategy, namely, the completion of all new or ongoing investigations and the submission of all remaining indictments. In December 2004, the Office of the Prosecutor issued the final indictments.

40. In addition to ending all pre-indictment investigations, another important step of the completion strategy was the commencement of the process of transferring cases under rule 11 bis and investigation dossiers to domestic jurisdictions. During 2004-2005, the Prosecutor submitted to the Tribunal's referral bench, pursuant to rule 11 bis, requests for the transfer of 12 cases involving 20 accused to relevant national jurisdictions in Bosnia and Herzegovina, Croatia and Serbia and Montenegro. These are currently being considered by the referral bench to

determine whether all conditions for transfer have been met. Another important achievement was the completion in 2004 of the "rules of the road" project, funded from extrabudgetary resources, under which the Office of the Prosecutor reviewed cases from prosecutors in the region to ensure that they met international standards. After having reviewed 1,072 prosecution files involving 3,360 suspects, the review function was transferred to the State Prosecutor in Bosnia and Herzegovina as from 1 October 2004.

41. In line with those developments, the Investigations Division has been reorganized and restructured around two main components: providing support for cases ready for trial, all ongoing trials and appeals and, through the establishment of a transition team, supporting the transfer of rule 11 bis cases to local courts and investigation dossiers from the Office of the Prosecutor to local prosecutors. This reorganization included the gradual reduction of 79 posts (65 Professional and 14 General Service) in the Investigations Division during the biennium 2004-2005. A further reduction of 12 Professional posts is being proposed in the biennium 2006-2007, bringing the total reduction in the Division to 91 posts, which represents a 42 per cent reduction vis-à-vis 2004 staffing levels.

42. During the biennium 2006-2007, the Office of the Prosecutor will, in view of the completion strategy, continue to undertake concrete measures aimed at reducing the length of trials and improving judicial efficiency. One of the proposed measures is to join, wherever possible, related indictments and run trials with more than four accused. The aim of joining leadership cases is to substantially reduce the length of proceedings by, inter alia, reducing the length of the prosecution case, reducing the number of witnesses, avoiding the repetition of evidence, avoiding the overlap of witness testimony, reducing the expense of witnesses travelling repeatedly to The Hague and reducing the time constraints of staff members in the Office of the Prosecutor.

43. Furthermore, during the biennium 2006-2007, the Office of the Prosecutor will complete the process of transferring cases under rule 11 bis to local authorities. The number of cases to be transferred to domestic entities will depend on the outcome of decisions from the Chambers referral bench, which is to decide whether those cases meet the conditions required for their transfer to local jurisdictions. The Office of the Prosecutor will continue to provide the resources required to support the transfer of cases, which may include addressing the legal issues that may be raised during eventual appeals proceedings. The transition team will continue to invest substantial effort in supporting prosecutions in States of the former Yugoslavia by providing all required assistance to domestic institutions when cases and investigation dossiers have been successfully transferred.

44. In order to keep up with the pace and schedule of the Chambers and fulfil the goals of the completion strategy, it is crucial that the Office maintain adequate resources in the Prosecution Division, the Investigations Division and the Appeals Section. The Office has now entered a phase during which most of its resources will be fully shifted towards providing support to the pretrials phase, trials and appeals. While all investigations had been brought to the indictment stage by the end of 2004, the Office of the Prosecutor will have to maintain a sufficient number of trial attorneys dedicated to completing trials and appeals successfully and a core investigative capacity (including investigators, analysts and research staff) to support those trials and appeals.

45. In order to rationalize its resources, the Prosecution Division will undergo a restructuring and realignment of resources with a view to focusing its efforts in support of pretrial and trial work. The proposed structure envisages the consolidation of the Trial Section, the Legal Advisory Section and the Team Legal Advisers and Co-Counsel Section into a single Prosecution Section, which will be assisted by the Trial Support Unit. For the biennium 2008-2009, it is anticipated that the Office of the Prosecutor's coordination of legal issues, particularly between investigations, prosecutions and appeals, will need to be strengthened, within the existing resources of the Office.

46. The Office of the Prosecutor has prepared a workload plan setting out the requirements for all cases to be tried between now and 2008. The plan foresees an adequate allocation of resources to all cases whether on trial or at the pretrial phase, as well as cases of accused that have not yet been transferred to The Hague. To facilitate the review, cases have been grouped according to their level of complexity.

47. It will be recalled that the workload review conducted in 2003 was based on two categories of cases grouped according to their level of complexity, namely: level I cases, involving leadership and high-level perpetrators, and level II cases, involving other serious perpetrators. For the biennium 2006-2007, taking into consideration the anticipated workload in the Office of the Prosecutor as a whole and the proposal to join a number of leadership cases, a third category has been added, which includes cases involving more than four accused. Under the new classification, a level I case would cover complex leadership cases with more than four accused; a level II case would involve leadership and high-level perpetrators; and a level III case would encompass all other serious perpetrators.

48. Factors that are considered in determining the complexity of cases include the number and nature of counts in the indictment; possible amendments of the indictment; the nature of preliminary motions and challenges of the Tribunal's jurisdiction; the number of accused joined in the same case; the number of witnesses and documents involved; the geographical territory covered in the indictment; the previous ranking of the accused within the military or political hierarchy (where appropriate); and the legal issues expected to arise during the course of the trial.

49. Level I cases, because of their complexity and scope generate greater workload. On average, a level I case would encompass some 500 witnesses, whereas a level II case would cover some 300 witnesses and a level III case 150 witnesses. A level I case would also involve approximately 5,000 exhibits as compared with 3,000 for a level II case and 1,000 for a level III case. Furthermore, it is estimated that on average a level I case would require the review of some 50,000 documents in order to meet the disclosure obligations under rule 68, whereas a level II case would involve some 30,000 documents and a level III case 10,000.

50. Taking into account the anticipated joinders of cases, it is estimated that a total of 10 cases involving 27 accused will be at the pretrial stage during 2006-2007. In terms of trials, the Tribunal anticipates that during 2006-2007 there will be six cases in trial at one time (four level I cases, one level II case and one level III case) involving 24 accused, all of which will be tried simultaneously.

51. During the coming years, as the trials focus on high-level perpetrators and multiple-accused cases, there will be a consequential increase, both in terms of volume and complexity, of cases before both the trial and appeals chambers. The

workload review revealed that, with existing staffing levels, the Prosecution Division and the Appeals Unit will have difficulty in coping with the quickened pace and heavier schedule of the Chambers, which is due in particular to four important factors: (a) an increase in the rate of arrests and the pace of trials; (b) an increase in the number of cases against high-level accused; (c) an increase in the number of accused in trial resulting from the multiple-accused cases; and (d) an increase in the number and complexity of appeals both interlocutory and on the merits.

52. Conversely, during the biennium 2006-2007 the Investigations Division and the Information and Evidence Section are expected to experience a gradual reduction in workload resulting from the following developments: (a) the progress made in reaching trial readiness for a number of cases at the pretrial stage; (b) the expected completion in the first instance of level II cases such as the Milosevic and the Krajisnik cases; and (c) the progress made in transferring rule 11 bis cases and investigation dossiers to local authorities.

53. In that light, it is proposed that a total of 15 Professional posts (12 from the Investigations Division and 3 from the Information and Evidence Section) will be redeployed to the Prosecution Division and the Appeals Unit as follows:

(a) Appeals Unit of the immediate office of the Prosecutor: four posts (2 P-4 and 2 P-3) from the Investigations Division and three posts (2 P-3 and 1 P-2) from the Information and Evidence Section. The new positions will assist with the preparation and drafting of motions, the collection of documents and other material, the formatting of appeal briefs, ensuring compliance with orders and directives of the Appeals Chamber and maintaining contacts with the defence counsel and the Registry;

(b) Prosecution Division: eight posts (5 P-3 and 3 P-2) from the Investigations Division. The Division will undergo a restructuring and realignment of resources with a view to focusing its efforts in support of pretrial and trial work. The proposed structure envisages the consolidation of the Trial Section, the Legal Advisory Section and the Team Legal Advisers and Co-Counsel Section into a single Prosecution Section assisted by the Trial Support Unit. This will allow the Prosecution Division to adequately support pretrial and trial proceedings in coping with the quickened pace and heavier schedule of the Chambers, which is due in particular to three important factors: (a) an increase in the rate of arrests and the pace of trials; (b) an increase in the number of cases against high-level accused; and (c) an increase in the number of accused in trial resulting from the multiple-accused cases.

54. Furthermore, pursuant to recommendations of the Office of Internal Oversight Services, all functions related to electronic data processing performed by the Systems Support Unit of the Information and Evidence Section, together with its staffing complement, will be consolidated within the Registry's Information Technology Services Section, which entails the redeployment of a total of 11 posts (1 P-3, 1 P-2 and 9 General Service (Other level)) effective 1 January 2006.

Table 5
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: To investigate and prosecute in a timely and fair manner persons responsible for serious violations of international humanitarian law and ensure that the requirements of the Security Council are fulfilled with regard to implementation of the completion strategy and to position the Office for the transfer of criminal cases against accused persons to the national courts of the former Yugoslavia.

Expected accomplishments	Indicators of achievement
(a) Gradual transfer of cases to national courts	(a) Number of cases transferred to national courts *Performance measures*: 2002-2003 actual: None 2004-2005 estimate: 11 cases 2006-2007 target: 16 investigation dossiers
(b) Conduct of six trials concurrently	(b) (i) Number of ongoing trials *Performance measures*: 2002-2003 actual: 6 2004-2005 estimate: 6 concurrently 2006-2007 target: 6 concurrently (ii) Number of trials completed *Performance measures*: 2002-2003 actual: 12 2004-2005 estimate: 12 2006-2007 target: 9 (includes mega-trials)
(c) Enhanced readiness of cases in pretrial litigation	(c) (i) Number of cases in pretrial litigation *Performance measures*: 2002-2003 actual: 18 2004-2005 estimate: 18 2006-2007 target: 11

(ii) Percentage of deadlines met without extensions

Performance measures:

2002-2003 actual: 85 per cent

2004-2005 estimate: 100 per cent

2006-2007 target: 100 per cent

External factors

55. The Office is expected to meet its objectives and expected accomplishments on the assumption that: (a) the States of the former Yugoslavia cooperate in the arrest and transfer of indicted persons to The Hague and in the provision of information; (b) there is normal functioning of judiciaries in the States of the former Yugoslavia, including the War Crimes Chamber of the State Court of Bosnia and Herzegovina, so that cases may be transferred and tried at the domestic level; and (c) there are no delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings and the availability of witnesses to certify statements and provide testimony.

Outputs

56. During the biennium, the following outputs will be delivered:

(a) Investigative outputs: witness statements, expert witness statements, summaries of witness interviews, witness schedules, protective measures for witnesses; reports of on-site investigations; reports on military and civilian political structures and events, arrests of fugitives, intelligence related to suspects and fugitives and missions; evidence collection; reports generated through computer searches of collected evidence for documents relevant to investigations, trials and appeals and reports generated by computer searches for purposes of disclosure under different rules; demographic reports and maps; requests for assistance; witness binders; briefs of evidence for submission of indictments; unofficial translations and English summaries of documents written in Bosnian/Croatian/Serbian; indictment reviews; limited project-based exhumation work; and training;

(b) Prosecution outputs: filings related to the prosecution of cases and appeals including: indictments, amended indictments, motions, responses to defence motions, witness statements, opening briefs, closing briefs, sentencing briefs, appeals on the merits, interlocutory appeals, plea agreements and miscellaneous applications for orders from judges or trial chambers, including applications for subpoenas, search warrants, the detention of suspects and the transmission of arrest warrants;

(c) Outputs related to trial preparation: exhibits, witness summaries, extensive searches for relevant material to be disclosed to the defence; training courses including on induction, legal issues and advocacy; and legal opinions on issues of international law;

(d) Information management outputs: indexes of evidentiary material and information sources, including witness statements, video- and audiotapes, intelligence material submitted under rule 70, press and other relevant freely accessible material; custody, control and storage of material submitted under chain-of-custody procedures, including decontamination and preservation; software systems and modification of computer systems and database applications for the Office of the Prosecutor, including electronic disclosure, CaseMap and Sanction software packages; and training courses for all staff;

(e) Management outputs: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals, budget preparation, reports on activities of States relevant to cooperation; press releases, speeches, statements and briefings.

Table 6
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2004-2005*	*2006-2007 (before recosting)*	*2004-2005*	*2006-2007*
Assessed budget				
Post	64 469.2	56 349.6	336	325
Non-post	19 060.2	15 720.5	—	—
Staff assessment	12 658.8	11 149.2	—	—
Subtotal	**96 188.2**	**83 219.3**	**336**	**325**
Extrabudgetary	937.0	345.0	—	—
Total	**97 125.2**	**83 564.3**	**336**	**325**

57. Resources under posts and staff assessment in the amount of $56,349,600 and $11,149,200 respectively provide for 325 posts. The net reduction of $8,119,600 and $1,509,600 for posts and staff assessment respectively relates to the adjustment to the provision made in 2004 for the 61 posts abolished during 2005 and the 13 posts redeployed to the Registry in 2005 and the outward redeployment of 11 posts resulting from the consolidation of the System Support Unit of the Office of the Prosecutor with the Information Technology Services Section of the Registry effective January 2006.

58. The provision for non-post objects of expenditure in the amount of $15,720,500 provides for general temporary assistance (pretrial support, document indexing and research and analysis), overtime, mission subsistence allowance for staff posted to field offices, expert witnesses and consultants to assist investigators in the pretrial stage of investigations, travel of investigators and prosecutors and contractual services for ongoing training of the staff in the Office of the Prosecutor. The decrease of $3,339,700 reflects reduced requirements mainly for mission subsistence allowance, general temporary assistance and travel as a result of the reduction in the number of international staff at field locations and the completion of investigations.

C. Registry

59. The Registry is responsible for the judicial administration of the Tribunal. It is composed of four main organizational units, namely, the Office of the Registrar, the Judicial Support Division, the Registry Advisory Section on Legal and Policy Matters and the Division of Administration. For budgetary purposes, the Office of the President and the resident auditors and investigators are included under the Registry as well.

60. For the biennium 2006-2007, the Registry's focus continues to be centred on the implementation of the completion strategy, the two main objectives of which are: (a) the expeditious and fair trials of high-level accused and (b) the transfer of mid- and lower-level accused to competent national jurisdictions.

61. In support of the first objective, the Registry continues to support and facilitate the simultaneous conduct of six trials. The Registry's capacity will continue to be fully utilized and will be dedicated to ensuring efficient and fair trials.

62. Efficient trials will become increasingly important during the biennium 2006-2007 as the Tribunal's focus shifts towards high-level perpetrators and multiple-accused cases and as the number of indictees in the custody of the Tribunal rises. The need for efficient proceedings has been increased by a rapid succession of recent arrivals of persons indicted by the Tribunal. For 2006-2007, it is expected that 10 fugitives will surrender or be arrested, further increasing the workload of the Tribunal.

63. In addition, the shift in the Tribunal's cases towards high-level accused will also increase the complexity of trials and appeals and by extension the work of those in the Registry supporting first instance and appeal proceedings. Trial complexity is also expected to increase as a result of the joining of indictments involving the same crime base, which will lead to multiple (up to nine) accused in a single trial. Multiple-accused cases will undoubtedly be more efficient and make trials faster since the crime base will not be required to be proven in several separate trials. However, this initiative will at the same time generate additional workload, as cases with multiple accused being tried simultaneously are expected to generate far more motions and interlocutory appeals than those involving a single accused. Furthermore, the establishment of a referral bench in response to the Prosecution's motions under rule 11 bis to refer cases to the region will also require additional support. All of these factors will significantly affect the workload of the Chambers Legal Support Section.

64. Efficiency has increased within the Registry through the establishment of the Office of Document Management, which has saved the Tribunal valuable translation resources; the introduction of the pretrial and trial lump-sum defence payment system, which compels defence teams to prepare their strategies in advance of trial; and the Defence Counsel Network, allowing more effective distribution of case-related documents. The Registry is currently exploring and testing further methods of increasing courtroom efficiency, including the development of e-Court, which is a pilot initiative to optimize courtroom proceedings.

65. In support of the second objective, the Registry has played a central coordinating role in assisting the development of the War Crimes Chamber within the State Court of Bosnia and Herzegovina. The Registry has established a transition

coordinating committee to consider the practicalities associated with the transfer of cases to national jurisdiction, specifically the transfer of accused, the transition of defence counsel and the continuing protection of witnesses. At the same time, the Chambers Legal Support Section will be supporting the additional work resulting from the establishment of a referral bench in response to the prosecution's motion under rule 11 bis.

66. The Chambers Legal Support Section has undertaken a rigorous review of all cases at the pretrial, trial and appeal stages. To facilitate the review, cases have been grouped according to their level of complexity with a view to determining the total anticipated workload in 2006-2007. Five main developments will affect the workload of the Section during the biennium 2006-2007:

(a) An increase in the rate of arrest and the pace of trials;

(b) An increase in the number of cases against high-level accused;

(c) An increase in the number of accused in trial resulting from multiple-accused cases (mega-cases);

(d) An increase in the number and complexity of appeals both interlocutory and on the merits;

(e) The establishment of a referral bench in response to the prosecution's motions under rule 11 bis.

67. All of the above factors will significantly affect the workload of the Chambers Legal Support Section. The review of projected workload revealed that with existing staffing levels, the Chambers Legal Support Section will have difficulty in coping with the pace of trial activity and, by extension, in meeting the targets of the completion strategy. Against this background, it is apparent that a strengthening of the Chambers Legal Support Section will be required during 2006-2007.

68. On that basis, it is proposed that a total of five posts (2 P-4, 1 P-3 and 2 P-2) from the Division of Administration be redeployed to the Chambers Legal Support Section under the Judicial Services Division. This is the result of a restructuring within the Division with a view to maximizing its resources through the consolidation and streamlining of all administrative functions.

Table 7

Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: The efficient administration and servicing of the Tribunal by the management of judicial, administrative and legal support to the Chambers, the Office of the Prosecutor and, in a limited fashion, the defence, in line with the statute of the Tribunal, the Rules of Procedure and Evidence, United Nations regulations and rules and the Tribunal's completion strategy

Expected accomplishments	Indicators of achievement
(a) Timely implementation of formal actions taken in accordance with the agreed-upon completion strategy	(a) Percentage of actions completed on time *Performance measures* 2002-2003 actual: 95 per cent

	2004-2005 estimate: 95 per cent
	2006-2007 target: 95 per cent
(b) Increased public awareness of the activities of the Tribunal	(b) Number of visitors to the Tribunal's website (per biennium)
	Performance measures:
	2002-2003 actual: 18.5 million hits
	2004-2005 estimate: 30 million hits
	2006-2007 target: 33 million hits
(c) Improved dissemination of information in the Bosnian, Croatian and Serbian languages (*Note*: Bosnian, Croatian and Serbian are considered by the Tribunal as one language for the court proceedings)	(c) Reduction in the number of days required for dissemination of materials
	Performance measures:
	2002-2003 actual: 1 to 3 days
	2004-2005 estimate: 1 to 3 days
	2006-2007 target: 0 to 2 days
(d) Clients' needs for sound, comprehensive and timely advice on legal and related policy matters are met	(d) (i) International agreements negotiated and contracts on which advice is given
	Performance measures:
	2002-2003 actual: 110
	2004-2005 estimate: 105
	2006-2007 target: 110
	(ii) Administrative, host country statute and rules matters on which advice is given
	Performance measures:
	2002-2003 actual: 95
	2004-2005 estimate: 100
	2006-2007 target: 120
(e) Effective legal support to judges is provided	(e) Number of timely oral and written decisions and judgements
	Performance measures:
	2002-2003 actual: 3,663
	2004-2005 estimate: 2,500
	2006-2007 target: 1,250

(f) Successful compliance with the Tribunal's legal aid system	(f) Reduction in the number of cases in which supplemental payment is required in order to ensure a fair trial *Performance measures*: 2002-2003 actual: 12 2004-2005 estimate: 8 cases 2006-2007 target: 4 cases
(g) Improvement in the judicial support services provided to the Chambers, the Office of the Prosecutor and the defence counsel	(g) Increase in the level of client satisfaction *Performance measures*: 2002-2003: 60 per cent 2004-2005 estimate: 90 per cent 2006-2007 target: 95 per cent
(h) Increased effectiveness of administrative services	(h) Degree of satisfaction expressed by recipients of various administrative services *Performance measures*: 2002-2003: Not available 2004-2005 estimate: 90 per cent 2006-2007 target: 95 per cent

External factors

69. The Registry is expected to meet its objectives and expected accomplishments on the assumption that: (a) the States of the former Yugoslavia cooperate in the arrest and transfer of indicted persons to The Hague and in the provision of information; (b) there is normal functioning of the War Crimes Chamber of the State Court of Bosnia and Herzegovina and judiciaries in other countries of the former Yugoslavia to permit the referral of cases; and (c) there are no delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings and the availability of witnesses to certify statements and provide testimony.

Outputs

70. During the biennium, the following outputs will be delivered:

(a) Victims and Witnesses Section: provision of safe transportation of witnesses from their residence to The Hague; liaison with States for exit and entry permits, travel documents, safe-conduct agreements and visas for pretrial and post-trial protection; provision of support services for the temporary and permanent relocation of witnesses; liaison with host Governments for protection; safe

accommodation and transportation of witnesses during trials; and implementation of the Tribunal's policies regarding the reimbursement of lost earnings;

(b) Defence counsel services: provision of access to legal assistance for suspects and accused persons; revision of claims of indigence from suspects and accused persons; and implementation of the directive on assignment of defence counsel and legal aid practices;

(c) Court management: implementation of procedures related to the confirmation, amendment or withdrawal of indictments, the issuing of arrest warrants, addressing of cases of failure to execute a warrant, the appearance of the accused, detention on remand and provisional release and procedures to obtain depositions; organization and scheduling of trials and other hearings, contempt of court cases and procedures relating to amici curiae, summons of witnesses and experts, record-keeping and procedures for the restitution of property in connection with compensation for victims; and procedures relating to appellate and review proceedings, pardons and commutation of sentences;

(d) Registry Advisory Section: negotiation of international agreements on the enforcement of sentences and the relocation of witnesses; liaison with the host country on the privileges and immunities of judges and staff; and the drafting of policy papers, directives and guidelines related to legal practice;

(e) Detention facility management: provision of a secure detention facility for detainees; implementation of the Tribunal's rules of detention and remand programme with regard to personal and official visits, the scheduling of exercise periods and provision of meals and securing incoming and outgoing phone calls and mail, as appropriate; the scheduling of duties of detention guards provided by the host Government; and cooperation with the host authorities to ensure that the detention facilities of the Tribunal are provided in accordance with existing agreements and with non-governmental organizations monitoring such facilities;

(f) Publications: publication of the annual *Yearbook* of the Tribunal, the basic documents of the Tribunal and transcripts of trials and decisions;

(g) Electronic, audio and video issuances: production and broadcast (in electronic format) of trial exhibits within the courts and broadcasting of time-delayed video of Tribunal proceedings to public areas of the Tribunal and real-time audio of Tribunal proceedings to the public gallery of the courtroom in English, French and Bosnian/Croatian/Serbian;

(h) Booklets, pamphlets and fact sheets: publication of the monthly bulletin of Tribunal activities, newsletters and brochures;

(i) Press releases: issuance of press releases to the local, national and international press regarding trial activities;

(j) Library services: provision of library services regarding international and national law relevant to the operations of the Tribunal for the use of judges, staff and defence counsel and provision of online information services to assist staff, in particular the legal officers and judges, with legal research and greater access to bibliographic information;

(k) Conference and language support: provision of simultaneous interpretation for all court hearings into and from English, French,

Bosnian/Croatian/Serbian and Albanian/Macedonian and during interviews of victims and witnesses; translation from and into English, French and Bosnian/Croatian/Serbian for the Registry, the courts and the Office of the Prosecutor; and transcripts of court proceedings in English and French for every hearing in the courtroom and the judges' plenary meetings;

(l) Administrative support: processing of financial documents; preparation of the proposed programme budget for the biennium 2008-2009 and annual performance reports for the biennium 2006-2007; exercise of budgetary control and post management in respect of assessed budget and extrabudgetary resources; formulation of draft administrative responses to external and internal oversight bodies; screening of applications for vacant posts; implementation of staff development and training programmes; arrangement of travel and issuance of tickets and vouchers for judges, staff members, witnesses and other persons; undertaking of property management and inventory control; implementation, operation and maintenance of the information technology infrastructure; purchasing and contracting of goods and services; and provision of a safe and secure environment for all VIPs, staff, visitors and detainees.

Table 8

Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2004-2005*	*2006-2007 (before recosting)*	*2004-2005*	*2006-2007*
Assessed budget				
Post	93 668.8	96 188.1	654	665
Non-post	111 899.9	103 324.0	—	—
Staff assessment	18 222.1	18 702.7		
Subtotal	**223 790.8**	**218 214.8**	**654**	**665**
Extrabudgetary	5 093.4	4 240.6	12	6
Total	**228 884.2**	**222 455.4**	**666**	**671**

71. The resource requirements of $218,214,800 provide for the 665 posts and various non-post requirements. The increase under posts ($2,519,300) and staff assessment ($480,600) reflects the inward redeployment of 11 posts from the Systems Support Unit of the Office of the Prosecutor Information and Evidence Section to the Registry's Information Technology Services Section and the adjustment for the inward redeployment of 13 posts from the Office of the Prosecutor in 2005.

72. The decrease in non-post requirements ($8,575,900) is due to reduced requirements, mainly under temporary assistance for meetings, general temporary assistance, overtime, consultants and experts, travel, contractual services, rental of premises, communications and miscellaneous services, supplies and equipment.

Table 9
Summary of follow-up action taken to implement relevant recommendations of the oversight bodies and the Advisory Committee on Administrative and Budgetary Questions

Brief description of the recommendation	*Action taken to implement the recommendation*
Advisory Committee on Administrative and Budgetary Questions (A/59/561)	
The Advisory Committee is concerned about the information it received from the representatives of the two Tribunals that the current freeze would have a significant negative impact on the completion strategy schedule. The Committee trusts that a way can be found to ameliorate the current staffing situation of the two Tribunals (para. 11).	The recruitment freeze, which was put in place in May 2004, was lifted by the Controller in January 2005. Since that date, the Tribunal has made every effort to fill all of its vacant posts. As at the end of June 2005, the vacancy rate was 8.7 per cent.
The Advisory Committee is also concerned about the fact that experienced security officers leave the Tribunals for other United Nations organizations and United Nations peacekeeping operations. This may adversely impact the security of staff and activities of the Tribunals. The Committee notes, for example, that the vacancy rate for security officers of the International Tribunal for the Former Yugoslavia was 14.2 per cent as at October 2004. The Committee requests that a way be found to improve the incumbency situation of security officers of the Tribunals (para. 12).	The departure of security officers continues to be of concern to the Tribunal, as other offices, particularly the Department of Peacekeeping Operations, continue to have more attractive and long-term employment possibilities. Nevertheless, the Tribunal has undertaken an intensive recruitment campaign and has lowered the vacancy rate to 10.5 per cent as at the end of June 2005.
Board of Auditors (A/59/5/Add.12)	
The Tribunal agreed with the Board's recommendation to review its procedures on deferred charges to ensure the completeness of the disclosure (para. 22).	The recommendation has been fully implemented. The Tribunal has reviewed its procedures as recommended. In preparing the financial statements for the year ended 31 December 2004, the Tribunal based the amounts related to deferred charges on the results of its own evaluation. The Tribunal's Finance Section and the Procurement Section now coordinate efforts to ensure the adequacy of the disclosure.
The Tribunal agreed with the Board's recommendations to liase with United Nations Headquarters in order to account for the liability related to judges' pensions and to plan for the	This issue, which was originally raised with the Office of Programme Planning, Budget and Accounts in October 2004, has now been included as part of a more comprehensive

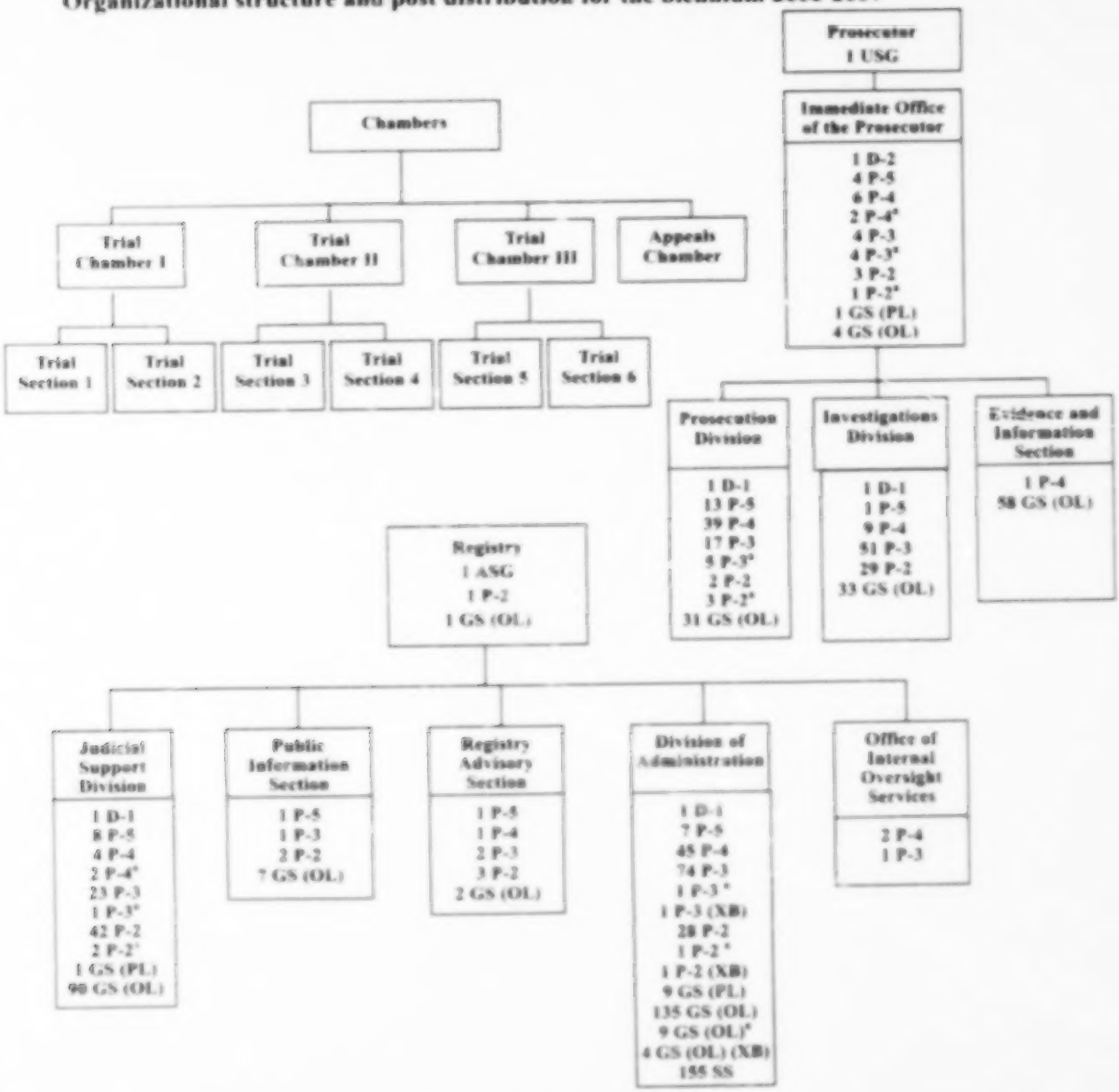
Brief description of the recommendation	*Action taken to implement the recommendation*
transfer of pension commitments to a permanent entity at the termination of the Tribunal (para. 27).	discussion of the Tribunal's legacy issues being addressed by the two Tribunals and Office of Legal Affairs. A report will be submitted to the General Assembly at its sixtieth session.
The Tribunal agreed with the Board's recommendation to further intensify its efforts to gain the cooperation of all concerned Member States and seek the assistance of the international community to place additional pressure on uncooperative Member States (para. 35).	The recommendation has been implemented. The Tribunal has and will continue to exert and intensify all possible efforts in this regard. The President and the Prosecutor have consistently included references to the need for the cooperation of Member States, in particular States of the former Yugoslavia, in statements they have issued, including speeches and press releases. In addition, both the President and the Prosecutor have submitted to the Security Council, in November 2004 (S/2004/897) and May 2005 (S/2005/343) reports, inter alia, on the level of cooperation obtained from Member States and seeking to enlist the support of the Council and the international community with respect to this specific issue. In order to obtain full cooperation from States of the former Yugoslavia, the President and the Prosecutor will continue to approach those States and regularly consult Member States and international and regional organizations on the matter. Recently, cooperation with States of the former Yugoslavia has improved markedly, as during the period January-June 2005, 20 accused were surrendered to the custody of the Tribunal. As a result, 10 accused remain at large. The increase in the number of indictees and fugitives, including very senior-level persons, transferred to the Tribunal can be attributed to the efforts exerted by the Tribunal.
The Board encourages the Tribunal in its action to further reduce the need for costly official translations (para. 53).	This recommendation has been fully implemented. The Tribunal is of the view that the references contained in the audit report with respect to the "dual translation" of documents are misleading. The Tribunal believes that it does have a strong system in place, which greatly reduces the chances of a repeated erroneous translation of documents. The creation of the Office of Document Management has proven to be an effective

Brief description of the recommendation	Action taken to implement the recommendation
	measure to ensure that duplicate translation requests from different sources (the Office of the Prosecutor, the Chambers or defence counsel) are minimized. However, the Tribunal strongly believes that the initial process of having only an informal translation prepared actually saves the Organization financial resources. The informal translation, which is accomplished by non-accredited General Service staff, allows the Office of the Prosecutor and the Chambers to make a determination whether to proceed with the more expensive formal translation or not. In addition, the defence counsel Chambers has determined in many instances that an informal translation of some (non-critical) documents is in fact permissible for use in the courtroom. It is estimated that the streamlining of translation requests and processes brought about by the establishment of the Office of Document Management will generate monetary savings.
The Tribunal agreed with the Board's recommendations to (a) finalize the annex to the memorandum of understanding setting out the services to be shared and invoiced within the United Nations House in Sarajevo; (b) endeavour to have the building's management transferred to another entity before the Tribunal closes its Sarajevo office; and (c) continue to liaise with United Nations Headquarters and other international entities to improve the building's occupancy rate (para. 58).	This recommendation has been implemented: (a) The annex to the memorandum of understanding was finalized on 29 March 2004. Copies of the document were provided to the resident and external auditors. (b) It will be recalled that from the outset, the Tribunal accepted responsibility to serve as lead agency under the memorandum of understanding only to 31 December 2005, not 2008. The Tribunal has regularly requested the assistance of the Under-Secretary-General for Management and the Controller to help identify another United Nations agency willing to assume responsibility for the memorandum of understanding in 2006. However, it must be noted that, under the existing arrangement the Tribunal's administrative responsibility is limited to oversight. The European Union Police Mission assumes all responsibility for day-to-day operations. The result is budget-neutral for the Tribunal from a support standpoint and the field office is

Brief description of the recommendation	Action taken to implement the recommendation
	provided with secure office space of reasonable quality at a very competitive rate; (c) It is in the best interest of all occupants for all vacant space to be rented by an appropriate agency. The Tribunal periodically requests the assistance of the Department of Management to inform other United Nations agencies about the availability of space at United Nations House in Sarajevo. Since the time of the audit observation, the two other building occupants, the European Union Police Mission and the European Union Monitoring Mission, have increased the amount of space they occupy and their pro rata share of expenses. In December 2004 the Tribunal returned 400 square metres of space to the Building Management Committee, thus reducing its share of operating expenses.
The Tribunal agreed with the Board's recommendation to consider sharing software for standard data-processing applications on an inter-agency basis (para. 60).	This recommendation has been fully implemented. The Tribunal routinely examines the e-Asset database of the Information Technology Services Division when considering the purchase or development of software applications.
The Tribunal agreed with the Board's recommendation to explore, with the United Nations Secretariat, the possibility of extending the medical standards for staff members to candidates for judgeship, which is a non-United Nations staff position (para. 62).	This issue has been raised with United Nations Headquarters. It should be noted that existing procedures for the selection of judges, who are nominated by Member States, do not include any reference to medical standards. Any change in procedure would require General Assembly approval. The Tribunal's Legal Advisory Section will pursue this issue further with its counterparts in the Office of Legal Affairs at United Nations Headquarters.
The Board recommends that the Tribunal take further steps to comply with strict overtime rules (para. 66).	The recommendation has been fully implemented. Following the report of the Board of Auditors, the Tribunal asked the Office of Internal Oversight Services resident auditors to conduct a review and evaluation of the overtime usage and procedures in place. On this basis, an information circular was

Brief description of the recommendation	*Action taken to implement the recommendation*
	issued outlining revised procedures for the application, justification and usage of overtime within the Tribunal. Since then, further steps have been taken to comply with strict overtime rules.
The Tribunal agreed with the Board's recommendation to reinforce its monitoring of training activities (para. 69).	The recommendation has been implemented. The Professional post for training, approved by the General Assembly in the context of the 2004-2005 budget, is in the process of recruitment. Since the time of the audit, the Tribunal has prepared an evaluation of the training conducted during 2004. Furthermore, the training plan for 2005 was prepared and was issued early in 2005. The Tribunal's training activities continue to be closely monitored, with detailed statistics being recorded by gender and grade.
While commending the Tribunal for action taken on external corruption and fraud risks, the Board recommended that it develop a plan against the risk of internal corruption and fraud, including fraud-awareness initiatives, furthering its recent coordination with the United Nations Administration in order to obtain the benefit of best practices (para. 74).	This recommendation is in the process of being implemented. The Tribunal has completed training for specific individuals responsible for requesting the use of consultants, individual contractors and contracts. An anti-fraud training programme is under development by the Department of Management in New York. Once finalized, the Tribunal will ensure that the programme is made available to all its staff.

International Tribunal for the Former Yugoslavia
Organizational structure and post distribution for the biennium 2006-2007



Abbreviations: USG, Under-Secretary-General; ASG, Assistant Secretary-General; GS (PL), General Service (Principal level); GS (OL), General Service (Other level); XB, extrabudgetary; SS, Security Service.

* Redeployed.